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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.251 OF 2006
IN
CRIMINAL APPEAL NO.355 OF 2005

Johny Petrik Santos ... Appellant

V/s.

The State of Maharashtra ... Respondent

Mr.A.K. Apte for Appellant
Dr.F.R. Shaikh, APP, for Respondent

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.

DATED: **APRIL 24, 2007**

P.C.:

. Heard Mr.Apte for the accused. This application is for bail. The accused is convicted under section 302 of the Indian Penal Code. He is in custody since 13.11.1998. The charge against the accused was that he murdered a builder because the builder was not accepting the additional demands of the accused.

2. The advocate for the accused contended that the only evidence against the accused is the so called oral dying declaration of the deceased where he had named the accused as his assailant. No other incriminating evidence is collected by the prosecution against the accused. The blood stained clothes of the accused are not recovered. Weapon was recovered but no blood stains on it. The accused is in custody since more than 9

years. The learned A.P.P. even after going through the record could not point out any other circumstance for which the bail application should be rejected.

3. In view of this matter, the accused be released on bail upon his furnishing P.R. bond in the sum of Rs.15,000/- and one or two solvent sureties in the like amount. His substantive sentence is suspended pending the appeal. He will pay the fine amount, if any, before being released on bail. He will attend the concerned police station once in a month initially for a period of six months and thereafter once in three months till the appeal is disposed of.

4. This order be communicated to the accused by the Office immediately.

5. Application is disposed of.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)